

UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

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AARON GUERRERO,

Case No. 2:24-cv-00261-MMD-BNW

v

**Plaintiff.**

## ORDER

GABRIEL GRASSO,

**Defendant.**

**Pro se Plaintiff Accts.**

11       Pro se Plaintiff Aaron Guerrero, currently incarcerated at High Desert State Prison  
12      in the custody of the Nevada Department of Corrections, attempted to initiate a lawsuit  
13      under 42 U.S.C. § 1983 but did not pay the filing fee or complete an application to proceed  
14      *in forma pauperis* (“IFP Application”). (ECF Nos. 1, 3.) Before the Court is the Report and  
15      Recommendation (“R&R”) of United States Magistrate Judge Brenda Weksler (ECF No.  
16      7), recommending this case be dismissed without prejudice because Guerrero has still  
17      not paid the filing fee or submitted a complete IFP Application despite being given two  
18      more chances to do so. To date, no objections to the R&R have been filed. Because there  
19      is no objection, and as further explained below, the Court will adopt the R&R.

Because there is no objection, the Court need not conduct de novo review, and is satisfied that Judge Weksler did not clearly err. See *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.” (emphasis in original)). As mentioned, Judge Weksler gave Guerrero at least two more chances to either pay the filing fee or submit a complete IFP application (ECF Nos. 3, 6), but he did not timely comply (ECF No. 7). Having reviewed the R&R, Judge Weksler did not clearly err.

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1 It is therefore ordered that Judge Weksler's Report and Recommendation (ECF  
2 No. 7) is accepted and adopted in full.

3 It is further ordered that this case is dismissed, in its entirety, without prejudice.

4 The Clerk of Court is directed to close this case.

5 DATED THIS 28<sup>th</sup> Day of October 2024.

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MIRANDA M. DU  
9 UNITED STATES DISTRICT JUDGE  
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